IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WA.No. 2791 of 2007

AGAINST THE ORDER IN WPC.30533/2007 Dated 12/11/2007
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APPELLANTS/PETITIONERS:
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1. SRI.VIDYADHIRAJA MODEL TEACHERS
   TRAINING INSTITUTE,
   VENDAR P.O.,
   KOTTARAKKARA,
   KOLLAM DISTRICT,
   REPRESENTED BY THE MANAGER VENDAR
   G.BALAKRISHNA PILLAI.

2. SREE NARAYANA GURU MEMORIAL TEACHER
   TRAINING INSTITUTE VALAMANGALAM SOUTH - PO,
   THURAVOOR,
   ALAPPUZHA DISTRICT,
   REPRESENTED BY THE MANAGER P.SANAKAN.

3. THE MALABAR EDUCATIONAL & CHARITABLETRUST,
   YOGASALA ROAD,
   KANNUR - 670 001,
   REPRESENTED BY ITS DIRECTOR AND MANAGING
   TRUSTEE VALSAN MATATHIL.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS/RESPONDENTS:
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1. STATE OF KERALA,
   REPRESENTED BY THE
   SECRETARY TO GOVERNMENT,
   DEPARTMENT OF GENERAL EDUCATION,
   GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
   THIRUVANANTHAPURAM - 14.

3. THE DEPUTY DIRECTOR OF EDUCATION,
   KOLLAM

4. THE DEPUTY DIRECTOR OF EDUCATION,
   ALAPPUZHA.

5. THE DEPUTY DIRECTOR OF EDUCATION,
   KANNUR.

BY SR. GOVT. PLEADER SMT. K. MEERA.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, CJ. & K.M. JOSEPH, J.

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WRIT APPEAL No. 2791 of 2007

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Dated this the 26th day of November, 2007.

JUDGMENT

H.L.DATTU, CJ,

Appellants were petitioners before the learned Single Judge in W.P. (C) 30533 of 2007. In the said writ petition, they have called in question Ext.P3 Circular issued by the Director of Public Instructions dated 6.6.2007. By the said Circular, the Director had made known to the petitioners and persons similarly situated that the eligibility criteria for admission to the T.T.C. Course in their Schools and Colleges should be 50% marks.

2. Students, who are admitted to some of the courses, had approached this court in W.P.(C) No.21880 of 2007. A learned Single Judge of this court by his order dated 21st August, 2007 had rejected the writ petition, but had only directed the State Government to make a request to NCTE to relax the conditions prescribed in the regulations.

3. After the disposal of the writ petition, now the petitioners/educational institutions, have questioned the very same Ext.P3 circular issued by the Director of Public Instructions on various grounds.

4. The learned Single Judge on 12th November, 2007 has disposed of the writ petition on the ground that the issue raised by the petitioners is fully covered by the decision of the learned Single Judge in W.P.(C) 21880 of 2007, which has been confirmed by a Division Bench of this court. The learned Single

Judge has also noticed that pursuant to the direction issued by this court in W.P.(C) 21880 of 2007, the State Government has passed an order dated 1.11.2007. In view of all this, the learned Single Judge, has rejected the writ petition.

5. We cannot find fault with the learned Judge if he follows earlier decision of this Court, if the facts and questions of law involved are identical. Therefore, we need not have to interfere with the order passed. Secondly, if for any reason, the petitioners are aggrieved by the orders passed by the State Government dated 1.11.2007, they have to file separate writ petition questioning the correctness or otherwise of the decision of the State Government.

6. Accordingly, the writ appeal requires to be rejected and it is rejected.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE

K.M. JOSEPH,
JUDGE

sb/DK.